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INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8785
RUEHCV/AMEMBASSY CARACAS PRIORITY 1977
RUEHLP/AMEMBASSY LA PAZ APR 0046
RUEHPE/AMEMBASSY LIMA PRIORITY 7282
RUEHZP/AMEMBASSY PANAMA PRIORITY 3357
RUEHQT/AMEMBASSY QUITO PRIORITY 8018
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4889
RUEHGV/USMISSION GENEVA PRIORITY 1575

UNCLAS BOGOTA 001123

SIPDIS

PASS TO DOL/ILAB FOR TINA MCCARTER AND
STATE DRL/ILCSR FOR TU DANG

E.O. 12958: N/A

TAGS: [ELAB](#) [EING](#) [ETRD](#) [PHUM](#) [SOCI](#) [PGOV](#) [PTER](#) [CO](#)

SUBJECT: COLOMBIA CHILD LABOR INFORMATION FOR TRADE AND
DEVELOPMENT ACT 2008 REPORT

REF: 08 STATE 127448

1. (U) The following is Embassy Bogota's update on Colombia's efforts to implement its international commitments to eliminate the worst forms of child labor, as required under the Trade and Development Act (TDA) of 2000.

2. (U) LAWS AND REGULATIONS PROSCRIBING THE WORST FORMS OF CHILD LABOR INDICATORS:

-- (U) What laws have been promulgated on child labor, such as minimum age(s) for employment or hazardous forms of work? Are there exceptions to the minimum age law?

(U) Resolution 1677, passed on May 16, 2008, updated the list of prohibited activities for children and adolescents. The GOC and the International Labor Organization (ILO) signed a three-year memorandum of understanding on May 8, 2008. In the past year the GOC developed a new seven-year National Strategy to prevent and eradicate the worst forms of child labor and to protect young workers.

(U) Colombia increased the minimum employment age to 15 years through the New Code on Children and Adolescents, enacted by law 1098, which it passed on November 8, 2006. This law supersedes previous provisions that allowed the Colombian Institute of Family Welfare (ICBF), under special circumstances, to make exceptions for some minors under age 15 to work. The law limits children's working hours. Children between 15 and 17 may work 6 hours per day and a maximum of 30 hours per week, with the permission of a Work Inspector. Those between 17 and 18 may work 8 hours per day and a maximum of 40 hours per week. The law prohibits children under age 17 from working between the hours of 6 p.m. and 6 a.m. 17 year-olds may not work past 8 p.m. The law also bars minors from work that may harm their morality as well as work that is exploitative or hazardous.

(U) A five-year National Plan of Action to prevent and eradicate sexual exploitation of children was established in 2006.

-- (U) What laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography? What is the country's minimum age for military recruitment?

(U) The Constitution prohibits slavery and servitude. It also bans human trafficking, and the law punishes trafficking of children under 18 with fines and 17 to 35 years incarceration.

(U) Under Law 747 of July 2002, forcing someone into prostitution is punishable by five to nine years in prison and a fine of up to 500 times the monthly minimum wage. These penalties can be increased by up to one-half if the victim is under 14 years of age, if the criminal planned to take the victim out of the country, or if the criminal is a family member. Penalties are also increased by one-third if the victim is under 18 years of age. Child pornography in any form is also criminalized with punishment of up to ten years in prison and a fine of up to 1,000 times the monthly minimum salary. These penalties increase by half if the minor is 12 years or younger.

(U) Law 890 of 2004, which entered into force on January 1, 2005, increases trafficking penalties to 13 to 23 years in prison and fines of up to 1,500 times the monthly minimum wage. These penalties can increase by up to one-third if aggravated circumstances exist, such as if the victim is a minor (less than 18 years of age), the victim is mentally challenged, or if the trafficker is a family member or public servant. If the victim is under 12 years of age, the penalty increases by half. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom can be charged.

(U) According to Decree 3966 of 2005, minors under 18 may not serve in the government armed forces or perform defense-related or intelligence activities. The law regards minors that participate in the country's hostilities as victims. Armed groups must place all minor recruits from illegal armed groups with ICBF in order to participate in the government's demobilization process.

-- (U) If the country has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

(U) The GOC ratified Convention 182 through Law 704 of 2001. The Ministry of Social Protection (MSP) Resolution 1677 of May 16, 2008 identifies the worst forms of child labor that are prohibited for all minors under 18. Among others, the worst forms of child labor are defined as slavery, trafficking children, recruiting children into armed conflict, prostitution, pornography, participating in illegal activities (particularly in the production of narcotics), and any work that could harm the health, security, or morality of a minor. Minors are not permitted to perform work related to: agricultural work destined for market, such as coffee, flowers, sugarcane, cereals, vegetables, fruits, tobacco, and livestock; fisheries; lumber; mining or work underground; industrial manufacturing; utilities; construction, painting, and heavy equipment; transportation or warehousing; healthcare; defense and private security; and unskilled labor such as shoe-shining, domestic service, trash collection, messenger service, doormen, gardening, work in clubs and bars, and street sales. Minors must also not work in conditions which have loud noises, strong vibrations, dangerous substances, poor lighting or ventilation, activities underground or underwater, biological or chemical materials, safety risks, or in positions that could cause problems due to posture or excessive physical activity. Minors may not work under conditions that may harm their psycho-social development, such as work without pay; work that interferes with schooling; work that keeps them separated from their families; work under despotic or abusive conditions; work in illegal or immoral situations; or between 8 p.m. and 6 a.m.

(U) An exception to the above restrictions applies for minors between the age of 15 and 17 who have completed a technical training apprenticeship course from the National Apprentice Service (SENA). Graduates of technical training

may freely exercise the occupation for which they were trained, provided they receive authorization from a labor inspector.

13. (U) REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT OF PROSCRIPTIONS AGAINST THE WORST FORMS OF CHILD LABOR.

-- (U) What legal remedies are available to government agencies that enforce child labor laws (criminal penalties, civil fines, court orders), and are they adequate to punish and deter violations?

(U) Penalties for violating child labor laws can include fines and the temporary or permanent closure of violating establishments. Trafficking of children under 12 years of age is punishable by 20 to 35 years imprisonment. Inducing prostitution can result in 2.7 to 6 years incarceration and fines. Penalties for forced prostitution range from 6.7 to 13.5 years incarceration and fines. Penalties increase by one-third to one-half for both induced and forced prostitution if the victim is under 14 or if the crime involved international trafficking. Crimes involving child pornography or the operation of an establishment in which minors practice sexual acts can carry a punishment of 8 to 12 years incarceration and fines. The use of the mail or the Internet to obtain or offer sexual contact with a minor is punishable by 6.7 to 15 years incarceration and a fine, with increased penalties if the victim is under 12. Posting child pornography on the Internet can result in fines and the cancellation or suspension of the web site. The law can penalize tourist agencies for involvement in child sex tourism by fines and the suspension or cancellation of their registration. Forced prostitution and sexual slavery are punishable by imprisonment from 13.3 to 27 years and fines. The recruitment of minors by armed groups in relation to the ongoing conflict carries punishments of 8 to 15 years in prison and fines. The commission of terrorist acts involving the participation of a minor is punishable by 16 to 30 years incarceration and fines. Individuals must report child labor law violations to MSP. Punishments for crimes involving illegal drugs -- such as drug cultivation, manufacturing, and trafficking -- increase if the crimes involve a minor.

-- (U) To what extent are complaints investigated and violations addressed? What level of resources does the government devote to investigating child labor cases throughout the country? How many inspectors does the government employ to address child labor issues? How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

(U) Under Decree 205 of 2003 and Resolution 951 of 2003, the MSP's Special Unit of Inspection, Supervision, and Control conducts formal sector child labor inspections, with 289 inspectors. The MSP is currently planning to hire an additional 135 inspectors. The MSP program promotes prevention and education as well as conducts site inspections and maintains a database to identify evasion. ICBF, the Ombudsmen's office, the Children and Adolescent Police, the Prosecutor General, and Family Commissioners enforce child labor laws. The National Police and Prosecutor General investigate and prosecute child trafficking and commercial sexual exploitation. Information is unavailable on how many investigations have been conducted over the last year, and how many resulted in fines, penalties, or convictions.

-- (U) Has the government provided awareness raising and/or training activities for officials charged with enforcing child labor laws?

(U) The Interagency Committee for the Eradication of Child Labor (Interagency Committee), composed of the MSP, the ICBF, the Ministry of Education, and the Ministry of Planning -- with technical assistance from the ILO -- lead the national efforts to prevent and eradicate child labor. The Interagency Committee has sub-committees in each department to educate relevant ministries and law enforcement personnel

of their responsibilities under the law.

(U) The Interagency Committee hosted national and regional fora with new governors and mayors on child labor and other children's rights topics. The Committee is also promoting local officials' awareness of the National Strategy to Prevent and Eradicate the Worst Forms of Child Labor (2008-2015) and the National Action Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents less than 18 Years of Age (2006-2011).

14. (U) WHETHER THERE ARE SOCIAL PROGRAMS SPECIFICALLY DESIGNED TO PREVENT AND WITHDRAW CHILDREN FROM THE WORST FORMS OF CHILD LABOR.

-- (U) What initiatives has the government supported to prevent children from entering exploitative work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families? These initiatives could include cash transfer programs that specifically target families with working children to enable children to leave work and enter school, establishment of shelters for child trafficking victims, or other programs. Since the focus of the report is on government efforts, reporting is requested on initiatives carried out either by the government or by NGOs, but with government support. (If possible, please provide information on funding levels for such initiatives.)

(U) The GOC developed a National Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Boys, Girls, and Adolescents less than 18 Years of Age (2006-2011). This plan establishes such objectives as generating information, developing and applying legislation, prevention, provision of services to children, institutional capacity building, and participation of children in the plan. The National Police program, "Colombia without Prostitution," uses family and community education to prevent the commercial sexual exploitation of children.

(U) The Interagency Committee implemented an intervention and prevention program in 20 departments to reach 1800 children. The goal is to reach vulnerable groups like afro-Colombians and the internally displaced and the communities they live in to promote children's education and to de-legitimize child labor. The Committee also released a nation-wide media campaign on the negative consequences of child labor. The GOC promotes the June 12 World Day Against Child Labor, which is celebrated on national and local levels.

(U) The interagency Committee for the Fight against Trafficking in Persons has implemented various anti-trafficking awareness-raising activities within Colombia, including enclosing flyers about trafficking in newly issued passports; installing information kiosks at major airports; making presentations for at-risk school children; and assisting with the development of departmental and municipal anti-trafficking plans. The GOC, International Organization for Migration, and some human rights organizations hosted anti-trafficking websites with public information on what services were available to victims of trafficking (including the sites www.tratadepersonas.gov.co).

(U) ICBF administers programs that provide services to former children soldiers and seek to prevent further recruitment of children by armed groups. These programs receive assistance from the United States and from several foreign governments and international organizations. The Ministries of Defense and Interior assist through the demobilization of child soldiers, who then go to the ICBF.

(U) The Inspector General began a project in 2007 to work with the mayors of capital cities and the governors of Colombia's departments to include children and adolescents in their municipal and departmental development plans. This includes developing indicators to track whether children and

adolescents are meeting key goals and objectives related to staying in school and out of the work place.

15. (U) DOES THE COUNTRY HAVE A COMPREHENSIVE POLICY AIMED AT THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR?

-- (U) Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor? Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs, such as Poverty Reduction Strategy Papers, etc. If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

(U) The GOC has been actively addressing the problem of child labor since 1995. The GOC's National Development Plan, unveiled in July of 2007, establishes the eradication of exploitative child labor as a priority. The Plan for Childhood (2004-2015) contains provisions relating to child labor, including worst forms such as trafficking, recruitment into armed groups, and commercial sexual exploitation. The GOC implemented its National Strategy for the Eradication of Child Labor for 2008-2015 to increase knowledge and awareness; change cultural norms that promote child labor; improve legislation and public policy; and implement strategies that address these problems. The Interagency Committee has conducted training for teachers and government officials and also maintains a child labor information system. The Interagency Committee worked to eradicate exploitative child labor through a media campaign, community and school education, and interagency coordination.

(U) The Ministry of Education's Policy Guide for Vulnerable Populations includes strategies to address child labor. The Ministry of Defense developed an educational speakers program for schools, which distributes educational kits to schools in areas where children are at risk for recruitment into armed groups, and awareness-raising materials for children to prevent involvement in armed groups.

-- (U) Is education free in law and in practice? Is education compulsory in law and in practice?

(U) Education is free, although students pay for school supplies and related items. Education is compulsory in law and practice until age 15.

16. (U) IS THE COUNTRY MAKING CONTINUAL PROGRESS TOWARD ELIMINATING THE WORST FORMS OF CHILD LABOR?

-- (U) In what sectors/work activities/goods are children involved and how has this changed over the past year.

(U) The GOC's National Statistics Agency (DANE) conducts a child labor census every two years. The three latest censuses show that child labor is decreasing. In 2003, 10.8 percent of children between 5-17 years old were working. In 2005 the number decreased to 8.9 percent, and in 2007, the percentage decreased further to 6.9 percent (out of a total population of 11,358,000 children aged 5-17). Approximately 783,000 children worked in 2007; 79.6 percent stated they worked "to have their own money," "to work in the family business," or to "help with the family's bills." The majority of working children were aged 15-17. Nearly 50 percent of working children worked fewer than 24 hours a week.

-- (U) Please provide information on industries where child labor occurs as well as specific tasks in which children are involved and goods they produce, if available. Please also provide information on age and gender of working children, desegregated by industry/work activity/good, if possible.

(U) According to the 2007 child labor census, the majority of working children worked in the illicit agricultural sector (36.4 percent), followed by commerce (30.4 percent), and

manufacturing (11.6 percent). Only 3.6 of working children worked in domestic service. Thirty-three percent worked in a family business and received no payment.

(U) DANE reports that 285,267 children work in the agricultural sector in Colombia, the majority of whom work on illicit crops. The Colombian Human Rights Ombudsman reports that 200,000 children work in the cultivation of illegal coca. National Coordinator for the ILO's International Program to Eliminate Child Labor (IPEC/ILO) reported that in rural areas, and especially in indigenous-dominated areas of Colombia, it is culturally acceptable for children to help their families cultivate agricultural products such as coffee, sugar cane, bananas, and plantains. IPEC/ILO tells us there is no evidence of significant use of child labor in the formal agricultural sector; the large-scale plantations, which produce about 99% of Colombia's agricultural exports, are inspected frequently.

-- (U) To what extent are children working in slavery or practices similar to slavery, such as debt bondage, serfdom, and forced or compulsory labor? Please indicate industries where this occurs and, if applicable, specific goods that such children produce.

(U) Children in Colombia are recruited, sometimes forcibly, by insurgent and new criminal groups to serve as fighters in the country's ongoing conflict. The ILO office has received reports that some criminal groups have forced some children to perform forced labor. Many are forced to participate in and are victims of human rights violations such as torture and murder. Children also work in the cultivation of coca and opium and in the processing of illicit drugs using harsh chemicals. Reportedly, the armed forces has used children as informants in some cases.

-- (U) To what extent are children trafficked to work? Are children trafficked for commercial sex or for labor exploitation? If labor-related, what specific industries or for the production of what specific goods are children known to be trafficked? Are they trafficked across national borders or within the country (specify source, destination and transit countries/regions/communities, if possible).

(U) Children are victims of commercial sexual exploitation, including pornography and prostitution. Colombia is a major source of girls trafficked for commercial sexual exploitation. An estimated 25,000 minors worked in the commercial sex trade in Colombia, according to a 2001 report by the Inspector General's Office, and Colombia is a major source of girls trafficked for the purpose of commercial sexual exploitation. Children are trafficked internally from rural to urban areas for sexual exploitation and forced labor. Still, we believe that sex trafficking is decreasing due to stricter laws and enforcement as well as public awareness campaigns.

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